

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed January 3, 2006, is respectfully requested. Claims 46-49, 54, and 61 have been canceled without prejudice. Claims 50 and 60 have been amended to include the subject matter from dependent claims 54 and 61, respectively. Therefore, no new matter was added with these amendments. Claims 50-51, 55-60, 62, and 65-67 remain pending in this application.

Allowable Subject Matter

Applicants gratefully acknowledge the examiner's indication that claims 54-55, 58-59, 61, and 65-66 are allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Art Rejections

Claim 46-51, 56-57, 60, 62, and 67 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Campbell et al. (USP Re. 34,936) in view of Kaldany (USP 5,562,613). Without conceding the propriety of the rejection, claims 46-49 have been canceled without prejudice to their prosecution in a further application. Therefore, the rejections to these claims are now moot.

Applicants have amended claim 50 to include the limitation of dependent claim 54, which was indicated as allowable by the examiner. In particular, Applicants have amended claim 50 to include the step of "*providing a marker element comprising a radiopaque material and adapted to be deployed from the marker element applier.*"

Furthermore, Applicants have amended claim 60 to include the limitation of dependent claim 61, which was indicated as allowable by the examiner. In particular, Applicants have amended specify that the imaging system is "selected from the group consisting of x-ray, ultrasound, and magnetic resonance imaging systems." Therefore, Applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

Information Disclosure Statement

In reviewing the signed Form PTO/SB/08A's returned by the Examiner, Applicants note that the Examiner has not returned the PTO/SB08A mailed on March 31, 2003; July 15, 2004; July 26, 2004; and September 30, 2005 (duplicate copies have been attached for the convenience of the Examiner). Applicants respectfully request that the Examiner review these references and return initialed Forms PTO/SB/08A to the Applicants.

For all the foregoing reasons, Applicants assert the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicant's undersigned representative at (949) 760-9600. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,
O'MELVENY & MYERS LLP

Dated: March 3, 2006

By: Diane K. Wong
Diane K. Wong
Reg. No. 54,550
Attorneys for Applicants

JCK/DKW/cp

O'Melveny & Myers LLP
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Newport Beach, CA 92660-6429
(949) 760-9600



Docket No. END-777

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Seth A. Foerster et al.
Serial No. : 09/954,646 Art Unit: 3764
Filed : September 18, 2001 Examiner: Benjamin Koo
For : METHOD AND DEVICES FOR
DEFINING AND MARKING TISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

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March 31, 2003
(Date of Deposit)

Patricia A. Deffinger

Name of person signing the Certificate

Patricia A. Deffinger
(Signature)

March 31, 2003
(Date of Signature)

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

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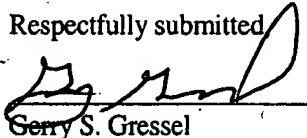
☒ Copies of references listed on the attached PTO Form 1449 were previously cited by or submitted to the Patent and Trademark Office in one or both of prior applications 08/858,389 and 09/776,125 to which this application claims priority, and so copies are not included with this paper.

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/END-777/GSG. This form is submitted in triplicate.

Respectfully submitted

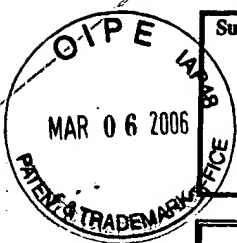


Gerry S. Gressel

Reg. No. 34,342

Attorney for Applicants

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One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(513) 337-3535
Dated: March 31, 2003



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(use as many sheets as necessary)

Sheet 1 of 2

| | |
|------------------------|--------------------|
| Application Number | 09/954,646 |
| Filing Date | September 18, 2001 |
| First Named Inventor | Seth A. Foerster |
| Group Art Unit | 3764 |
| Examiner Name | |
| Attorney Docket Number | END-777 |

U.S. PATENT DOCUMENTS

| Examiner Initials | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear |
|----------------------|--------------------------|----------------------|--------------------------------------|--|--|---|
| | | Number | Kind Code ² (if known) | | | |
| | | 4,086,914 | | Moore, Edwin Bailey | 05/78 | ALL |
| | | 4,402,308 | | Scott, Walter P. | 09/83 | ALL |
| | | 4,709,703 | | Lazarow et al. | 12/87 | ALL |
| | | 4,871,094 | | Fujioka et al. | 12/87 | ALL |
| | | 5,358,474 | | Kaldany, Antoine | 10/94 | ALL |
| | | 5,487,392 | | Haaga, John R. | 01/96 | ALL |
| | | 5,526,822 | | Burbank et al. | 06/96 | ALL |
| | | 5,538,010 | | Darr et al. | 07/96 | ALL |
| | | 5,562,613 | | Kaldany, Antoine | 10/96 | ALL |
| | | 5,649,547 | | Ritchart et al. | 07/97 | ALL |
| | | 6,056,700 | | Burney et al. | 03/99 | ALL |
| | | 5,002,548 | | Campbell et al. | 03/26/91 | ALL |
| | | 5,242,457 | | Alcopov et al. | 09/93 | ALL |
| | | 5,413,584 | | Schulze | 05/95 | ALL |
| | | 5,496,314 | | Eggers | 03/96 | ALL |
| | | 5,681,262 | | Isse | 10/97 | ALL |
| | | 6,228,055 | B1 | Foerster et al. | 05/08/01 | ALL |

FOREIGN PATENT DOCUMENTS

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|----------------------|--------------------------|-------------------------|---------------------|------------------------|--|--|--|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ | | | | |
| | | | | | | | ALL | |

Examiner
Signature

Date
Considered

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

| Examiner's Initials* | Cite No. ¹ | Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ² |
|-------------------------|--------------------------|--|----------------|
| | | S.S. Kramer et al; "Permanent Radiopaque Marker Technique for the Study of Pharyngeal Swallowing in Dogs"; Dysphagia vol., pp. 163-167 (1987). | |
| | | Homer et al; "The Geopgraphic Cluster of Microcalcifications of the Breast" Surgery, Gynecology & Obstetrics, DCC. (1985). | |
| | | Finan et al; "Inertestinal Radiotherapy for Early Stage Vaginal Cancer"; The Journal of Reproductive Medicine, Vol. 38, No. 3 Mar. 1993 | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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(use as many sheets as necessary)

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| Group Art Unit | 3764 |
| Examiner Name | |
| Attorney Docket Number | END-777 |

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| | | Number | Kind Code ² (if known) | | | |
| | | 6,234,177 | | Brasch, Thomas | 05/01 | ALL |
| | | 6,258,070 | | Kaldany, Antoine | 07/01 | ALL |
| | | 6,350,244 | | Fisher, John S. | 02/02 | ALL |
| | | 4,900,304 | | Fujioka et al | 02/90 | ALL |
| | | 5,879,357 | | Heaton et al. | 03/99 | ALL |
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| Examiner Signature | | | | | | Date Considered | | |

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47
41
Docket No. END-777

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Seth A. Forester et al.
Serial No. : 09/954,646 Art Unit:
Filed : September Examiner:
For : METHODS AND DEVICES FOR DEFINING
AND MARKING TISSUE

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INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

[] In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national

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application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

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☐ Please charge Deposit Account No. 10-0750/END-777/GSG the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

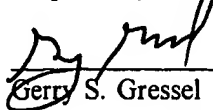
☐ Statement in Accordance with §1.97(e) (attached); or

☒ Please charge Deposit Account No. 10-0750/END-777/GSG the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of references listed on the attached Form PTO-1449 are not included under 37CFR 1.98(d) where the references have been cited in US Patent Application 09/776,125 to which the application claims priority.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/GSG/END-777.

Respectfully submitted,


Gerry S. Gressel
Reg. No. 34,342
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Phone (513) 337-3535
Date: July 15, 2004

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Page 1 of 1

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|-------------------------------|--------------------------------|
| Application Number | 09/954,646 |
| Filing Date | September 18, 2001 |
| First Named Inventor | Seth A. Foerster et al. |
| Group Art Unit | 3737 |
| Examiner Name | E. Mantis Mercader |
| Attorney Docket Number | END -777 |

U.S. PATENT DOCUMENTS

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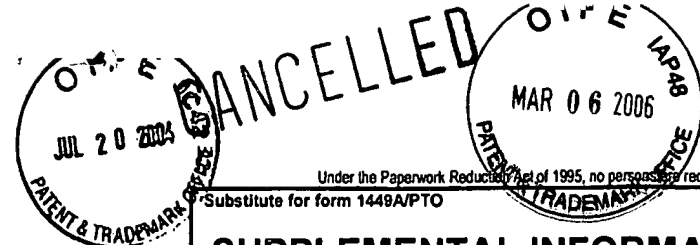
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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

[illegible]

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| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|



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Sheet 1 of 2

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| | | Number | Kind Code ² (if known) | | | |
| | | 3,592,185 | | Ephraim, et al. | 07-13-1971 | ALL |
| | | 4,087,791 | | Lemberger | 05-02-1978 | ALL |
| | | 4,541,438 | | Parker, et al. | 09-17-1985 | ALL |
| | | 4,735,210 | | Goldenberg | 04-05-1988 | ALL |
| | | 4,735,796 | | Gordon | 04-05-1988 | ALL |
| | | 5,041,826 | | Milheiser | 08-20-1991 | ALL |
| | | 5,101,827 | | Goldenberg | 04-07-1992 | ALL |
| | | 5,114,703 | | Wolf, et al. | 05-19-1992 | ALL |
| | | 5,127,916 | | Spencer, et al. | 07-07-1992 | ALL |
| | | 5,300,120 | | Knapp, et al. | 04-05-1994 | ALL |
| | | 5,433,751 | | Christel, et al. | 07-18-1995 | ALL |
| | | 5,437,279 | | Gray | 08-01-1995 | ALL |
| | | 5,470,308 | | Edwards, et al. | 11-28-1995 | ALL |
| | | 5,482,040 | | Martin, Jr. | 01-09-1996 | ALL |
| | | 5,496,536 | | Wolf | 03-05-1996 | ALL |
| | | 5,514,379 | | Weissleder, et al. | 05-07-1996 | ALL |
| | | 5,555,885 | | Chance | 09-17-1996 | ALL |
| | | 5,579,766 | | Gray | 12-03-1996 | ALL |
| | | 5,582,172 | | Papisov, et al. | 12-10-1996 | ALL |

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|----------------------|--------------------------|-------------------------|---------------------|------------------------|--|--|--|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ | | | | |
| | | WO | 98/09247 | A1 | Cothren, et al. | 03-05-1998 | ALL | |
| | | WO | 98/52617 | A2 | McIntire, et al. | 11-26-1998 | ALL | |

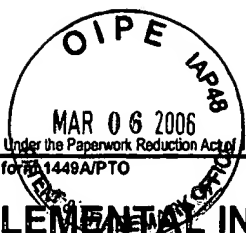
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PTO/SB/08A (08-00)
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Sheet 1 of 2

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| Group Art Unit | 3737 |
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| Examiner Name | E. Mantis Mercader |
| Attorney Docket Number | END -777 |

U.S. PATENT DOCUMENTS

| Examiner Initials | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear |
|-------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
| | | Number | Kind Code ² (if known) | | | |
| | | 5,595,177 | | Mena, et al. | 01-21-1997 | ALL |
| | | 5,674,288 | | Knapp, et al. | 10-07-1997 | ALL |
| | | 5,697,902 | | Goldenberg | 12-16-1997 | ALL |
| | | 5,716,407 | | Knapp, et al. | 02-10-1998 | ALL |
| | | 5,725,578 | | Knapp, et al. | 03-10-1998 | ALL |
| | | 5,732,704 | | Thurston, et al. | 03-31-1998 | ALL |
| | | 5,776,093 | | Goldenberg | 07-07-1998 | ALL |
| | | 5,776,094 | | Goldenberg | 07-07-1998 | ALL |
| | | 5,803,913 | | Khalkhali, et al. | 09-08-1998 | ALL |
| | | 5,810,806 | | Ritchart, et al. | 09-22-1998 | ALL |
| | | 5,855,609 | | Knapp | 01-05-1999 | ALL |
| | | 5,857,463 | | Thurston, et al. | 01-12-1999 | ALL |
| | | 5,868,778 | | Gershony, et al. | 02-09-1999 | ALL |
| | | 5,895,640 | | Khalkhali | 04-20-1999 | ALL |
| | | 5,899,865 | | Chance | 05-04-1999 | ALL |
| | | 5,913,857 | | Ritchart, et al. | 06-22-1999 | ALL |
| | | 5,970,986 | | Bolz, et al. | 10-26-1999 | ALL |
| | | 5,977,431 | | Knapp, et al. | 11-02-1999 | ALL |
| | | | | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear | † ⁶ |
|-------------------|-----------------------|-------------------------|---------------------|------------------------|---|--|---|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ | | | | |
| | | WO | 99/25248 | A1 | Carroll | 05-27-1999 | | |
| | | WO | 99/46284 | A2 | Rajotte, et al. | 09-16-1999 | | |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

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|---|-------------------------------|--------------------------------|
| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 1 of 3 | Application Number | 09/954,646 |
| | Filing Date | September 18, 2001 |
| | First Named Inventor | Seth A. Foerster et al. |
| | Group Art Unit | 3737 |
| | Examiner Name | E. Mantis Mercader |
| | Attorney Docket Number | END -777 |

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|--------------------|-----------------------|--|----|---|--|---|
| | | Kind Code ² Number (if known) | | | | |
| | | Re. 35,391 | | Brauman | 12-03-1996 | ALL |
| | | 3,194,239 | | Sullivan | 01-16-1963 | ALL |
| | | 4,298,998 | | Naficy | 11-10-1981 | ALL |
| | | 4,347,234 | | Wahlig et al. | 08-31-1982 | ALL |
| | | 4,365,572 | | Gullemin et al. | 11-02-1982 | ALL |
| | | 4,511,653 | | Play et al. | 04-16-1985 | ALL |
| | | 4,703,108 | | Silver et al. | 10/27/1987 | ALL |
| | | 5,061,281 | | Mares et al. | 10-29-1991 | ALL |
| | | 5,085,629 | | Golberg et al. | 02-04-1992 | ALL |
| | | 5,120,802 | | Mares et al. | 06-09-1992 | ALL |
| | | 5,127,916 | | Spencer et al. | 07-07-1992 | ALL |
| | | 5,192,300 | | Fowler | 03-19-1993 | ALL |
| | | 5,195,988 | | Haaga | 03-23-1993 | ALL |
| | | 5,274,074 | | Tang et al. | 12-28-1993 | ALL |
| | | 5,433,751 | | Christel et al. | 07-18-1995 | ALL |
| | | 5,470,308 | | Edwards et al. | 11-28-1995 | ALL |
| | | 5,514,379 | | Weiskeder et al. | 05-07-1996 | ALL |
| | | 5,522,896 | | Prescott | 06-04-1996 | ALL |
| | | 5,824,081 | | Knapp et al. | 10-20-1998 | ALL |
| | | 5,869,080 | | McGregor et al. | 02-09-1999 | ALL |
| | | 5,922,024 | | Janzen et al. | 07-13-1999 | ALL |
| | | 6,066,325 | | Wallace et al. | 05-23-2000 | ALL |
| | | 6,214,045 | B1 | Corblitt, Jr. et al. | 04-10-2001 | ALL |
| | | 2004/0024304 | A1 | Foerster et al. | 02-05-2004 | ALL |
| | | 2001/0034528 | A1 | Foerster et al. | 10-25-2001 | ALL |
| | | | | | | |
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| | Group Art Unit | 3737 |
| | Examiner Name | E. Mantis Mercader |
| | Attorney Docket Number | END -777 |

Sheet 2 of 3

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | | | |
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| Examiner's Initials* | Cite No.† | Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T² |
| | | WANG HOM-LAY et al. "Evaluation of an Absorbable Collagen Membrane in Treating Class II Furcation Defects"; pp 1029-1036. November 1994. | |
| | | BROPHY M. REGINA et al. "Biodegradable Polyester Polymers as Drug Carriers". Pp 1-25. | |
| | | SWARBRICK JAMES and BOYLAN JAMES. "Bioabsorbable Polymers." <u>The Encyclopedia of Pharmaceutical Technology</u> . Vol. 1. Absorption of Drugs to Bioavailability of Drugs and Bioequivalence. New York and Basel. Pp 465-476. | |
| | | PARK, KINAM; SHALABY, WALEED AND PARK HAESUN. "Biodegradable Hydrogels for Drug Delivery." <u>Purdue University School of Pharmacy</u> . Pp. 13-19. | |
| | | TSCHAKALOFF A. et al. "Degradation Kinetics of Biodegradable implants depending on the site of implantation." <u>Int. Journal of Oral & Maxillofacial Surgery</u> . 1994. Pp. 443-445. | |
| | | VERT, MICHEL. MAUDUIT, JACQUES AND LI, SUMING. "Biodegradation of PLA/GA Polymers increasing complexity." <u>Biomaterials</u> 1994 Vol. 15. No. 15. Pp. 1209-1213. | |
| | | HOFFMAN, G.O. "Biodegradable Implants in Traumatology A Review on the State-of-the Art." <u>Arch Orthop Trauma Surgery</u> . 1995 Pp. 114: 123-132. | |
| | | BOSTMAN, O. AND PIHLAJAMAKI, H. "Clinical Biocompatibility of Biodegradable Orthopaedic Implants for Internal Fixation." <u>Biomaterials</u> 21 (2000) Pp. 2615-2621. | |
| | | ALONSO, MARIA J., GUPTA, RAJESH K. et al. " Biodegradable Microspheres as Controlled-Release Tetanus Toxoid Delivery Systems." <u>Vaccine</u> 1994 Vol. 12 No. 4. Pp. 299-304. | |
| | | AN, YUEHUEI H., WOLF, SHANE K., FRIEDMAN, RICHARD. "Pre-clinical in Vivo Evaluation of Orthopaedic Bioabsorbable Devices." <u>Biomaterials</u> 21 (2000) Pp. 2635-2652. | |
| | | MOONEY, D.J. et al. " Transplantation of Hepatocytes Using Porous, Biodegradable Sponges." <u>Transplantation Proceedings</u> , Vol. 26, No. 6 Dec. 1994' Pp 3425-3426. | |
| | | CUTRIGHT, DUANE E. et al. " Degradation Rates of Polymers and Copolymers of Polylactic and Polyglycolic Acids." U.S. Army Institute of Dental Research, Walter Reed Army Medical Center, Washington, D. C. Pp. 142-151 | |
| | | KULKARNI, R. K. PHD. Et al.; "Polylactic Acid for Surgical Implants." <u>Arch Surgery</u> . Vol. 93, Nov. 1966 Pp. 839-843. | |
| | | KULKARNI, R. K. PHD. Et al.; " Biodegradable Poly(lactic acid) Polymers." U.S. Army Institute of Dental Research, Walter Reed Army Medical Center, Washington, D. C. (1971) Vol. 5, Pp. 169-181 | |
| | | CHASIN, MARK AND LANGER, ROBERT. - LEWIS, DANNY H. "Biodegradable Polymers as Drug Delivery Systems." <u>Controlled Release of Bioactive Agents from Lactide/Glycolide Polymers</u> Ch. 1 Pp -41 (1990). And BOGDANSKY, SIMON "Natural Polymers as Drug Delivery Systems." Pp. 231-259. | |
| | | HUANG, SAMUEL J. et al.; "Hydrophilic-Hydrophobic Biodegradable Polymers: Release characteristics of Hydrogen-Bonded, Ring-Containing Polymer Matrices. (1994) <u>Biomaterials</u> (1994, Vol. 15 No. 15 Pp. 1243-1247. | |
| | | BECKER, PAUL L. " Comparison of Antibiotic Release from Polymethylmethacrylate Beads and Sponge Collagen." <u>Journal of Orthopaedic Research</u> . (1994) Vol. 12, No. 5. | |
| | | MACKINNON, SUSAN E. "Clinical Nerve Reconstruction with a Bioabsorbable Polyglycolic Acid Tube." <u>Plastic and Reconstructive Surgery</u> , March 1990. | |
| | | NAKAMURA, T., et al. " New Bioabsorbable Pledgets and Non-Woven Fabrics Made from Polyglycolide (PGA) for Pulmonary Surgery: Clinical Experience." <u>Thoracic Cardiovascular Surgeons</u> . (1990) Pp. 81-85. | |
| | | TONG, XIAO-JIE, et al.; "Sciatic Nerve Regeneration Navigated by Laminin-Fibronectin Double Coated Biodegradable Collagen Grafts in Rats." <u>BRAIN RESEARCH</u> 663 (1994) Pp. 155-162. | |
| | | MATSUSUE, YOSHITAKA, et al.; "In Vitro and In Vivo Studies on Bioabsorbable Ultra-High-Strength Poly (L-Lactide) Rods." <u>Journal of Biomedical Materials Research</u> (1992) Vol. 26, Pp. 1553-1567. | |
| | | HUTMACHER, DIETMAR. "A Review of Material Properties of Biodegradable and Bioresorbable Polymers and Devices for GTR and GBR Applications." <u>The International Journal of Oral & Maxillofacial Implants</u> . (1996) Vol. 11 No 5. Pp. 667-678. | |
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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | Application Number | 09/954,646 |
| | Filing Date | September 18, 2001 |
| | First Named Inventor | Seth A. Foerster et al. |
| | Group Art Unit | 3737 |
| | Examiner Name | E. Mantis Mercader |
| | Attorney Docket Number | END -777 |

Sheet 3 of 3

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | | | |
|---|-----------|---|----|
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| | | PARK, KINAM et al.; "Biodegradable Hydrogels for Drug Delivery." Purdue University, School of Pharmacy. Pp. 2-28 | |
| | | CHU, C.C. and DUMITRIU, SEVERIAN Polymeric Biomaterials 2 nd ed. "Biodegradable Biomaterials Having Nitric Oxide Biological Activity." Ch. 5. Pp 123-124. and ROKKANEN, PENTTI U. "Bioabsorbable Polymers for Medical Applications with an Emphasis on Orthopedic Surgery. Ch. 20 Pp. 545-547. | |
| | | MIDDLETON, John C. and TIPTON, ARTHUR.; "Synthetic Biodegradable Polymers as Medical Devices." (March 1998) Pp. 1-14 of website: http://www.devicelink.com/impl/archive/98/03/002.html . 08-28-2002. | |
| | | TSURUTA, TEIJI; KIMURA, YOSHIBARU Et al. "Biomedical Applications of Polymeric Materials." 1993 Pp. 164-186. | |
| | | PARKER, STEVE H. and KLAUS, ANITA J. "Performing a Breast Biopsy with A Directional, Vacuum-Assisted Biopsy Instrument." From the RSNA Refresher Courses- Continuing Education (1997) Vol. 17 No. 5 pp. 1233-1252. | |
| | | LEONARD, CHARLES MD. Et al. "Use of Ultrasound to Guide Radiation Boost Planning Following Lumpectomy for Carcinoma of The Breast." (Aug. 1993) International Radiation Oncology Biology. Phys. Vol. 27. pp. 1193-1197. | |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Seth A. Forester et al.
Serial No. : 09/954,646 Art Unit: 3737
Filed : September 18, 2001 Examiner: Eleni Mercader
For : METHODS AND DEVICES FOR DEFINING
AND MARKING TISSUE

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Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

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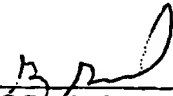
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Respectfully submitted,



Gerry S. Gressel
Reg. No. 34,342
Attorney for Applicants

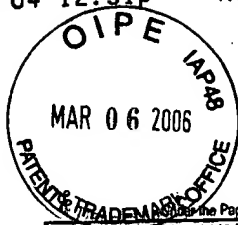
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| First Named Inventor | Foerster, Seth A., et al. |
| Group Art Unit | 3737 |
| Examiner Name | Eleni Mantis Mercader |
| Attorney Docket Number | END-777 |

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|----------------------|-------------|----------------------|--------------------------------------|--|--|---|
| | | Number | Kind Code ² (if known) | | | |
| | | 4,248,214 | | Hannah, et al. | 02-03-1981 | ALL |
| | | 4,541,438 | | Parker, et al. | 09-17-1985 | ALL |
| | | 4,592,356 | | Gutierrez | 06-03-1986 | ALL |
| | | 4,774,948 | | Markham | 10-04-1988 | ALL |
| | | 4,799,495 | | Hawkins, et al. | 01-24-1989 | ALL |
| | | 4,813,422 | | Fisher, et al. | 03-21-1989 | ALL |
| | | 4,817,622 | | Pennypacker, et al. | 04-04-1989 | ALL |
| | | 4,852,568 | | Kensey | 08-01-1989 | ALL |
| | | 4,966,583 | | Debbas | 10-30-1990 | ALL |
| | | 4,986,279 | | O'Neill | 01-22-1991 | ALL |
| | | 5,014,713 | | Roper, et al. | 05-14-1991 | ALL |
| | | 5,018,530 | | Rank, et al. | 05-28-1991 | ALL |

FOREIGN PATENT DOCUMENTS

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| | | Office ³ | Number ⁴ | Kind Code ⁵ | | | | |
| | | EP | 0 894 503 | A2 | Stinson | 08-06-1998 | ALL | |
| | | PCT | 00/38579 | A2 | Sirimanne, et al. | 12-23-1999 | ALL | |

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Sheet 2 of 5

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| | | 5,080,655 | | Haaga | 01-14-1992 | ALL |
| | | 5,083,570 | | Mosby | 01-28-1992 | ALL |
| | | 5,158,084 | | Ghiatas | 10-27-1992 | ALL |
| | | 5,195,988 | | Haaga | 03-23-1993 | ALL |
| | | 5,197,482 | | Rank, et al. | 03-30-1993 | ALL |
| | | 5,221,269 | | Miller, et al. | 06-22-1993 | ALL |
| | | 5,325,857 | | Nabal, et al. | 07-05-1994 | ALL |
| | | 5,334,216 | | Vidal, et al. | 08-02-1994 | ALL |
| | | 5,353,804 | | Kornberg, et al. | 10-11-1994 | ALL |
| | | 5,388,588 | | Nabal, et al. | 02-14-1995 | ALL |
| | | 5,394,886 | | Nabal, et al. | 03-07-1995 | ALL |
| | | 5,409,004 | | Sloan | 04-25-1995 | ALL |

FOREIGN PATENT DOCUMENTS

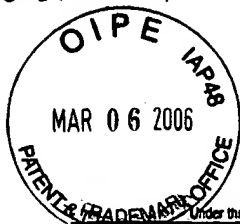
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STATEMENT BY APPLICANT**

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Sheet 3 of 5

| | |
|------------------------|---------------------------|
| Application Number | 09/954,646 |
| Filing Date | September 18, 2001 |
| First Named Inventor | Foerster, Seth A., et al. |
| Group Art Unit | 3737 |
| Examiner Name | Eleni Mantis Mercader |
| Attorney Docket Number | END-777 |

U.S. PATENT DOCUMENTS

| Examiner Initials | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear |
|----------------------|--------------------------|----------------------|--------------------------------------|--|--|---|
| | | Number | Kind Code ² (if known) | | | |
| | | 5,423,321 | | Fontenot | 06-13-1995 | ALL |
| | | 5,467,780 | | Nabai, et al. | 11-21-1995 | ALL |
| | | 5,479,936 | | Nabai, et al. | 01-02-1996 | ALL |
| | | 5,483,972 | | Nabai, et al. | 01-16-1996 | ALL |
| | | 5,487,392 | | Haaga | 01-30-1996 | ALL |
| | | 5,517,997 | | Fontenot | 05-21-1996 | ALL |
| | | 5,526,822 | | Burbank, et al. | 06-18-1996 | ALL |
| | | 5,556,410 | | Mittermeir, et al. | 09-17-1996 | ALL |
| | | 5,571,182 | | Ersek, et al. | 11-05-1996 | ALL |
| | | 5,647,374 | | Cutrer | 07-15-1997 | ALL |
| | | 5,660,185 | | Shmulewitz, et al. | 08-26-1997 | ALL |
| | | 5,795,308 | | Russin | 08-18-1998 | ALL |

FOREIGN PATENT DOCUMENTS

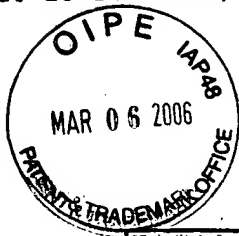
| Examiner Initials | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear | † ⁶ |
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|----------------------|-------------|----------------------|--------------------------------------|--|--|---|
| | | Number | Kind Code ² (if known) | | | |
| | | 5,807,276 | | Russin | 09-15-1998 | ALL |
| | | 5,873,904 | | Ragheb, et al. | 02-23-1999 | ALL |
| | | 5,980,564 | | Stinson | 11-09-1999 | ALL |
| | | 6,053,876 | | Fisher | 04-25-2000 | ALL |
| | | 6,161,034 | | Burbank, et al. | 12-12-2000 | ALL |
| | | 6,183,497 | B1 | Sing, et al. | 02-06-2001 | ALL |
| | | 6,228,055 | B1 | Foerster, et al. | 05-08-2001 | ALL |
| | | 6,231,834 | B1 | Unger, et al. | 05-15-2001 | ALL |
| | | 6,271,278 | B1 | Park, et al. | 08-07-2001 | ALL |
| | | 6,335,028 | B1 | Vogel, et al. | 01-01-2002 | ALL |
| | | 6,356,782 | B1 | Sirimanne, et al. | 03-12-2002 | ALL |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Cite No. | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document mm-dd-yyyy | Pages, Columns, Lines, where relevant passages or relevant figures appear | T ³ |
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Patent
Attorney Docket No. 032,290-109
(formerly END-777)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Foerster

Serial No.: 09/954,646

Filed: September 18, 2001

For: METHODS AND DEVICES FOR
DEFINING AND MARKING TISSUE

Group Art Unit: 3737

Examiner: Eleni M. Mantis Mercader

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-SB/08a and PTO-SB/08b. In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO-SB/08a and PTO-SB/08b are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in one or more of the prior U.S. Applications: U.S. Application No. 08/308,097, filed on September 16, 1994, now abandoned; U.S. Application No. 08/858,389 filed on May 19, 1997, issued as U.S. Patent No. 6,228,055; U.S. Application No. 09/776,125, filed on February 2, 2001; U.S. Application No. 10/213,638, filed August 7, 2002; U.S. Application No. 10/966,551, filed on October 15, 2004; U.S. Application No. 10/734,671, filed December 12, 2003; and U.S. Application No. 10/630,883, filed on July 30, 2003. Copies of the references can be provided at the request of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 30, 2005
Date of Deposit

Cynthia B. Pacheco
Cynthia B. Pacheco

10/05/2005 NBI 669835 1
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§ 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☐ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☒ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☒ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Statement Under 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after

making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of \$180.00 is enclosed for the above fee(s).
☒ Please charge \$180.00 to Deposit Account No. **50-2862** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to O'Melveny and Myers' Deposit Account No. **50-2862**.

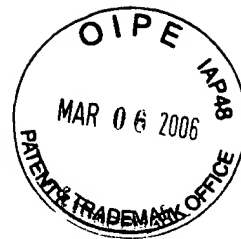
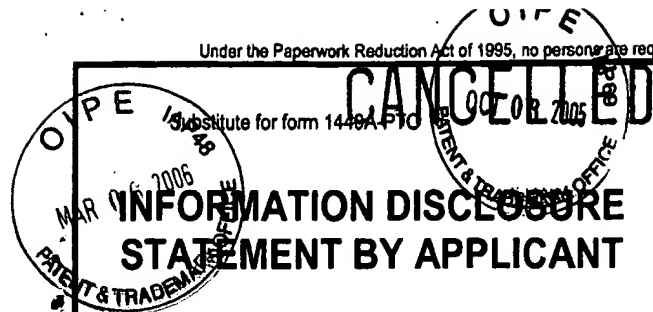
Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: September 30, 2005

By: Diane K. Wong
Diane K. Wong
Reg. No. 54,550
Attorneys for Applicant

DKW/cp
O'MELVENY & MYERS LLP
610 Newport Center Drive, 17th Floor
Newport Beach, CA 92660-6429
(949) 760-9600



| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | Complete If Known | |
|---|---|----|---|----------------------|--------------------------------|
| (Use as many sheets as necessary) | | | | Application No. | 09/954,646 |
| | | | | Filing Date | 9/18/2001 |
| | | | | First Named Inventor | Foerster |
| | | | | Art Unit | 3737 |
| | | | | Examiner Name | Eleni M. Mantis Mercader |
| Sheet | 1 | of | 2 | Attorney Docket No. | 032,290-109 (formerly END-777) |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|-----------------------|--|--------------------------------|--|--|
| Examiner Initials | Cite No. ¹ | Document No. | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
| | 1. | US 2,609,347 | 09/1952 | Wilson | |
| | 2. | US 2,653,917 | 09/1953 | Hammon | |
| | 3. | US 2,659,935 | 11/1953 | Hammon | |
| | 4. | US 2,664,366 | 12/1953 | Wilson | |
| | 5. | US 2,664,367 | 12/1953 | Wilson | |
| | 6. | US 2,846,407 | 08/1958 | Wilson | |
| | 7. | US 3,001,522 | 09/1961 | Silverman | |
| | 8. | US 4,103,692 | 8/1978 | Baier | |
| | 9. | US 4,832,686 | 05/1989 | Anderson | |
| | 10. | US 4,970,298 | 11/1990 | Silver | |
| | 11. | US 5,148,813 | 09/1992 | Bucalo | |
| | 12. | US 5,204,382 | 04/1993 | Wallace | |
| | 13. | US 5,207,705 | 05/1993 | Trudell | |
| | 14. | US 5,326,350 | 07/1994 | Li | |
| | 15. | US 5,716,404 | 02/1988 | Vicante | |
| | 16. | US 5,752,974 | 05/1998 | Rhee | |
| | 17. | US 5,941,910 | 08/1999 | Schindler | |
| | 18. | US 6,174,330 B1 | 1/2001 | Stinson | |

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|-----------------------|--|--------------------------------|--|---|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | † ⁶ |
| | | Country Code ³ Number ⁴ Kind Code (if known) | | | | |
| | 19. | DE 0935625 | 11/1955 | | | |
| | 20. | EP 0255123 | 02/1988 | | | |
| | 21. | WO 0078228 | 12/2000 | | | |
| | 22. | WO 9513746 | 05/1995 | | | |

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| Examiner Signature | Date Considered | |
| <p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.</p> <p>This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> | | |
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| | | Application No. | 09/954,646 | | |
| | | Filing Date | 9/18/2001 | | |
| | | First Named Inventor | Foerster | | |
| | | Art Unit | 3737 | | |
| Examiner Name | Eleni M. Mantis Mercader | | | | |
| Sheet | 2 | of | 2 | Attorney Docket No. | 032,290-109 (formerly END-777) |

| FOREIGN PATENT DOCUMENTS | | | | | | | |
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| | | Country Code ³ | Number ⁴ Kind Code (if known) | | | | |
| | 23. | WO | 9810712 | 03/1998 | | | |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) volume-issue number(s), publisher, city and/or country where published | T ² |
| | 24. | CLARKSON, P.: "Sponge Implants for Flat Breasts," Proceedings of the Royal Society of Medicine, Vol. 53 at 880-881 (1960) | |
| | 25. | FOURNIER et al: "Experimental Studies and Preliminary Clinical Trial of Vinorelbine-loaded Polymeric Bioresorbable Implants for the Local Treatment of Solid Tumors", Cancer Research 51, pp. 5384-5391, October 1, 1991 | |
| | 26. | PANGMAN, W.J. and WALLACE, R.M.: "The Use of Plastic Prosthesis in Breast Plastic and Other Soft Tissue Surgery," The Western Journal of Surgery, Obstetrics and Gynecology at 508 (August 1955) | |
| | 27. | PARK, KINAM et al.; "Biodegradable Hydrogels for Drug Delivery," Purdue University School of Pharmacy, pp. 2-28 | |

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|--|-----------------|--|
| Examiner Signature | Date Considered | |
| <p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.</p> <p>This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> | | |
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